

GENERAL AND REVENUE SECRETARIAT.

1911-12
(Gen Fin)

File No. 203-10.

Serial Nos. 3

Papers Filed.

p. 8 (e)

Month March 1912

SUBJECT.

Regarding the disbursement of the security deposit
amount to the heirs of the late Krishnappa, Gonda

PREVIOUS REFERENCES.

B. January 1911 SS. 1-2 & 7
203-10

LATER REFERENCES.

A. Nagappa. 18.4.12

GENERAL AND REVENUE SECRETARIAT.

(You Sir)

NOTES.

File No. 203-10

FILE HEADING.

Re the disbursement ^{security} the deposit amount to the heirs
of the late Krishnappa Gowda

From

The Comptroller

No. 6757
ac 855

Dated 6. 5- 1911.

Received

S. S. P.

Diary No. 4484 }

Enclos.

Spare Copies {

Serial No. 3

BRIEF ABSTRACT OF LETTER.

Observes that under the circumstances brought to notice
by the Superintendent of the Remount Depot at Hoosur the production
of a Succession Certificate from a Court in Mysore need not be insisted
in the case and solicits orders of Govt.

NOTES AND ORDERS.

The aspect of the case which is presented to Govt.
upon which the Comptroller thinks that no
Succession Certificate be insisted upon is clearly
stated in para 3 of the paper under disposal.
2 Branch III may perhaps be consulted

NOTES—First sheet

25/5/1911
25/5/11

Serial
No. .

3 The Bill of Exchange is a bill of exchange
he accepted and acted upon. The question
is not only of the Bill of Exchange but also
of the Bill of Exchange. The acceptance of the Bill of
Exchange means a transfer of the Bill of
Exchange to the Bill of Exchange. In such cases where
the Bill of Exchange is a bill of exchange it is also
a bill of exchange. It was the Bill of
Exchange to draw the money from it
to whomsoever he likes. We are not
agents of the Bill of Exchange to pay to whomsoever
he likes. We have to pay to the Bill of Exchange as if
he is the Bill of Exchange then to the Bill of
Exchange according to law. It is not
an Executive act for an omission to be
condoned as a material. Therefore think
that a Bill of Exchange should be produced before money
can be paid. To be in favor of
opinion.

bill)

25/8/11

Subd.

SN(11)

26/5/11

[Will of Bill of Exchange please pay to
the Bill of Exchange Bank & rules referred to in
para 2 of the letter under disposal]

No for Bill of Exchange
20/5/11

31/5/11

20/5/11

Put up herewith
21/3/11

21/5/11

Serial
No.

4 It is not clear whether the security deposits referred to in para 9 of the Savings Banks Rules refer to deposits lodged as security to ~~the~~ ^{the} officers other than those of the Mysore Govt.

However, this point is not very material as the depositor ^{presumably} gave an undertaking in the terms of the agreement detailed in the rule referred to above. The payment to the person authorised by the Supt of the dept is therefore a valid payment, as it is made in pursuance of the Contract entered into with the depositor.

5 [The payment has already been made in the case. There ^{seems to be} ~~is~~ therefore no ^{point in} ~~use~~ discussing whether a Certificate should have been insisted on or not. We can not by any means in our power Compel the payee to refund the amount now and ~~as~~ if we have lost some stamp revenue, there is no means of recovering it.]

2/6/10 *SA*
T. B. R.

Serial
No.

6. The letter of agreement says that (1) the depositor shall not claim the deposit without a written authority from the Officer to whom it is offered as a security (2) He ^{will} not object to any amount paid to him (3) He shall not claim interest after an authority allowing him to claim is revoked.

7. It follows from the above that the Officer who accepts the security can either authorize the depositor to take back the money or he himself draw it. He cannot order it to be paid to another than the depositor. The question is thus not free from doubt. The Advocate may be consulted with advantage -

8. Well known, the initial mistake was to accept a deposit as security to an Officer not belonging to the Mysore and Secy when money was claimed on behalf of a minor & a ~~particular~~ on the strength of a letter signed by a British Lt, the Dy Officer ought to have taken the necessary precautions (Secy)

9. My opinion is given in para 4 of the Comptroller's letter. M

10. The case as now represented is different from that as stated. Funds in the Mysore Regt. for the 15th

Serial
No.

with Mr. Shaw at Benjapur [There
is a file on the subject of pecuniary reports]
The 27 June 11

personally explained as directed

This matter may be dropped by 47.11

The 9 Nov

File 17.8.11

12088
17.6.11

4.7

67572/1

Q.C. 855.

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted.

4.7 203-10-3

54484

0

11/8/11

No.

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 6th May 1911.

FROM

J. S. CHAKRAVARTI, Esq., M.A., F.R.A.S., etc.,

Comptroller to the Govt. of

His Highness the Maharaja of Mysore.

TO

~~032. Balasundaram Iyer, Esq., B.A.,~~

The Secretary to the Government of Mysore,

F I N A N C I A L Department.

SIR,

I have the honour to state that as per directions contained in your letter No. Fl.3791/Gl.Fl.203-10 dated 16th January 1911, the Deputy Commissioner, Treasury Department, Bangalore, was requested to recover the security deposit of Rs.1837-8-4 paid to Munisami Gowda, guardian of Arasamma, minor daughter of the depositor, on the authority of the succession certificate granted by the District Court of Salem and to disburse it to the persons entitled to the the same under a certificate granted by a Court of competent jurisdiction in Mysore.

2 The Superintendent, Remount Depot, Hosur, to whom the above was pledged as security by the deceased depositor has in his let

.....Department.

1907

From

J. S. CHAKRAVARTI, Esq.,

M.A., F.R.A.S., etc.,

Comptroller to the Govt. of

H. H. the Maharaja of Mysore.

To

.....Esq.,

Secretary to the Govt of Mysore,

Genl. Secy Dept.

Dated

Despatched 6 - 5-11

Received

No. 6757 E,
835-

Subject Matter.

*Requesting to obtain
order & Govt. re the recovery
of security deposit of Rs. (837-84)
paid to Mummam Gown
(Quarman & Arasamam)
Muni cloughbo etc*

letter No. 77 dated 19th April 1911, (copy enclosed), stated that under para 9 of the Savings Bank Rules there was no objection to the amount being paid to him (Superintendent) and that, in the present case, he has instead of drawing the amount himself, authorised payment to be made to Arasamma, the legal heir of the depositor, of whose claim he was fully satisfied.

3 The Superintendent might have drawn the money himself and subsequently paid it to the heirs of the depositor on the authority of the succession certificate granted by a British Court and there would then have been no objection. He has in the above letter clearly accepted responsibility and the differences between the two procedures, viz., his drawing himself and making .. over to the party and his asking the Treasury to pay to the ... party at his instance and on his responsibility seems to be a technical rather than a substantial difference.

4 In these circumstances, the production of a succession certificate from a Court in Mysore need not, I think, be insisted on in the case above referred to.

5 I therefore request that you will be so good as to place this aspect of the case before Government and to obtain their early Orders thereon.

I have the honour to be,

Sir,

Your most obedient servant,

Ischahanna

cc. Comptroller.

Letter No. 77 dated 19th April 1911 from the Superintendent, Hosur Remount Depot, Matigiri(Po) to the Comptroller, Mysore, Bangalore.

With reference to your docket No. 4423/541 dated 23/27th January 1911 to the Deputy Commissioner, Treasury Department, Bangalore, objecting to the payment of the security deposit lodged in my favour by the late contractor C. Krishnappa Goudah, to his legal heir C. Munisawmy Goudah without the succession certificate from a competent court in Mysore, I have the honour to state as follows:-

The amount lodged by late contractor C. Krishnappa Goudah as security deposit for the fulfilment of his contract to this depot, was held in my favour and on the termination I authorised the Treasury Officer, Bangalore, to pay the amount together with interest accrued thereon to the deceased contractor's legal representative C. Munisawmy Goudah who obtained a succession .. certificate from the District Court, Salem.

Under para 9 of the Savings Bank Rules, there is no objection to the amount being paid to me. In the present case, instead of my drawing the amount I authorised payment to be made to the legal heir of whose claim I am fully satisfied.

Further, it is a matter for your consideration whether there is any justification for demanding a fresh succession certificate when the legal heir has already taken one and some very valid reason should be forthcoming for putting him to further unnecessary expense.

" C O P Y "



Superintendent, Record Deptt.,

Comptroller's Office.

